

VOLUME 9

PAGES 1658 - 1662

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DIGITAL REG OF TEXAS, LLC)	
)	
PLAINTIFF,)	NO. C-12-1971 CW
)	
VS.)	FRIDAY, SEPTEMBER 5, 2014
)	
ADOBE SYSTEMS, INC., ET AL.,)	OAKLAND, CALIFORNIA
)	
DEFENDANTS.)	JURY TRIAL
_____)	

BEFORE THE HONORABLE CLAUDIA WILKEN, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFF:

DINOVO, PRICE, ELLWANGER & HARDY LLP
7000 NORTH MOPAC EXPRESSWAY, SUITE 350
AUSTIN, TEXAS 78731
BY: ANDREW G. DINOVO, ESQUIRE
ADAM G. PRICE, ESQUIRE
GREGORY DONAHUE, ESQUIRE
JAY D. ELLWANGER, ESQUIRE
NICOLE E. GLAUSER, ESQUIRE

BARTKO ZANKEL BUNZEL MILLER
ONE EMBARCADERO CENTER, SUITE 800
SAN FRANCISCO, CALIFORNIA 942111
BY: W. PAUL SCHUCK, ESQUIRE

ALSO PRESENT:

MICHAEL FARLEY, COMPANY REPRESENTATIVE

(APPEARANCES CONTINUED)

REPORTED BY:

DIANE E. SKILLMAN, CSR 4909, RPR, FCRR
OFFICIAL COURT REPORTER
TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION

**FOR DEFENDANT
ADOBE SYSTEMS:**

WEILL, GOTSHAL & MANGES, LLP
201 REDWOOD SHORES PARKWAY
REDWOOD SHORES, CALIFORNIA 94065
BY: EDWARD R. REINES, ESQUIRE
SONAL N. MEHTA, ESQUIRE
BYRON BEEBE, ESQUIRE
ANANT PRADHAN, ESQUIRE

ALSO PRESENT:

PAUL BETLEM, COMPANY REPRESENTATIVE
KAREN ROBINSON, IN-HOUSE COUNSEL

FRIDAY, SEPTEMBER 5, 2014

11:00 A.M.

P R O C E E D I N G S

(PROCEEDINGS HELD OUTSIDE THE PRESENCE OF THE JURY.)

THE COURT: GOOD MORNING.

MR. REINES: GOOD MORNING.

THE COURT: YOU'VE SEEN THE NOTE?

MR. REINES: YES, YOUR HONOR.

THE COURT: WHAT DO YOU PROPOSE?

MR. REINES: WE PROPOSE, AND THE PARTIES HAVE AGREED, THE ANSWER WOULD BE NOT AUTOMATICALLY. YOU NEED TO PERFORM AN INVALIDITY ANALYSIS OF THE CLAIMED INVENTION CONSIDERING THE INDEPENDENT CLAIM PLUS --

THE COURT: DO YOU HAVE IN MIND THAT I WOULD SEND THIS IN A NOTE TO THEM OR BRING THEM OUT AND SAY IT?

MR. REINES: NORMALLY IT HAPPENS IN OPEN COURT IN MY EXPERIENCE, BUT --

THE COURT: I'M SORRY?

MR. REINES: NORMALLY I'M USED TO OPEN COURT, BUT HOWEVER THE COURT WOULD LIKE TO HANDLE IT.

THE COURT: I CAN DO IT EITHER WAY. IT'S JUST IF I'M GOING TO SAY IT OUT LOUD, I HAVE TO WRITE IT ALL DOWN OR GET THE REPORTER TO WRITE IT DOWN AND TELL ME LATER.

OKAY.

MR. REINES: SINCE WE AGREE, I GUESS WE CAN JUST SEND IT IN.

1 **MR. DINOVO:** I THINK AS A NOTE IS FINE.

2 **MR. REINES:** OKAY. DO YOU WANT ME TO HAND IT UP?

3 **MR. DINOVO:** HIS HANDWRITING --

4 **MR. REINES:** MY HANDWRITING IS NOT THAT GREAT.

5 THAT WOULDN'T BE THE NOTE. HOPEFULLY SOMEONE ELSE WILL
6 WRITE IT.

7 **THE COURT:** YOU NEED TO PERFORM AN ANALYSIS OF THE
8 CLAIMED -- YOU NEED TO PERFORM AN INVALIDITY ANALYSIS OF THE
9 CLAIMED INVENTION CONSIDERING THE INDEPENDENT CLAIM PLUS THE
10 ELEMENTS IN THE DEPENDENT CLAIM.

11 **MR. DINOVO:** I DON'T RECALL THAT WORD "INVALIDITY" IN
12 THERE. I DON'T KNOW THAT THAT NEEDS TO BE PRESENT. BUT
13 OTHERWISE WE AGREE WITH IT.

14 **MR. REINES:** WELL, IT'S AN INVALIDITY ANALYSIS.

15 **MR. DINOVO:** OR VALIDITY.

16 **MR. REINES:** WHATEVER THE COURT THINKS. IF YOU WANT
17 TO REMOVE THE WORD --

18 **THE COURT:** ONE HAS TO PROVE INVALIDITY, I GUESS. SO
19 I THINK IT WOULD TO BE AN INVALIDITY ANALYSIS.

20 **MR. DINOVO:** OKAY.

21 **THE COURT:** OKAY. SO I WILL JUST ASK NIKKI TO TYPE
22 THIS UP AND PRINT IT OUT AND SHOW IT TO YOU AND GIVE IT TO
23 THEM.

24 **MR. REINES:** THANK YOU.

25 **THE COURT:** I DON'T KNOW HOW THEY ARE GOING TO DO

1 THAT SINCE THERE'S NO EVIDENCE OF THE ADD-ON CONDITIONS.

2 **MR. REINES:** WE DID PRESENT THAT THROUGH DR. WICKER.

3 **MS. MEHTA:** WE COVERED EVERY INDEPENDENT CLAIM AND
4 DEPENDENT CLAIM.

5 **THE COURT:** OKAY.

6 (RECESS TAKEN WHILE JURORS DELIBERATE AT 11:05 A.M.)

7 (PROCEEDINGS ADJOURNED AT 1:30 P.M.)

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9
10 **CERTIFICATE OF REPORTER**

11 I, DIANE E. SKILLMAN, OFFICIAL REPORTER FOR THE
12 UNITED STATES COURT, NORTHERN DISTRICT OF CALIFORNIA, HEREBY
13 CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE
14 RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

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16 

17 DIANE E. SKILLMAN, CSR 4909, RPR, FCRR

18 FRIDAY, SEPTEMBER 5, 2014
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